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Honolulu, Hawaii

APR 0 2 2013

RE: H.C.R. No. 46 S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred H.C.R. No. 46 entitled:

"HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LANIKAI, KOOLAOPOKO, OAHU, FOR SEAWALL AND REVETMENT PURPOSES,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the issuance of a term, non-exclusive easement covering a portion of state submerged lands at Lanikai, Koolaupoko, Oahu, for seawall and revetment purposes.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources.

The subject property is identified as covering a portion of state submerged lands identified as tax map key (1) 4-3-005: seaward of 56, at Lanikai, Oahu, Hawaii. The 18,376 square foot property was developed with a single-family dwelling built in 1939 and a shoreline protection structure around 1953 prior to the establishment of the state land use laws. On September 13, 1968, the previous owners of the subject property and three adjoining properties obtained Shore Water Construction Permit No. 1395 issued by the Harbors Division of the Department of Transportation to construct a six- to eight-foot wide "protective stone blanket for erosion control" seaward of the existing five-foot high retaining walls.

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On January 13, 2012, under agenda item D-17, the Board of Land and Natural Resources approved the request for a non-exclusive easement by the owners, James Hugh Duncan and Barbara-Jeann Duncan. On October 16, 2012, the Land Division of the Department of Land and Natural Resources confirmed acceptance by the owners of the consideration payable for the subject easement as determined by an independent appraisal dated August 27, 2012.

Your Committee has amended this measure by:

- (1) Amending the title to reflect the correct spelling of Koolaupoko;
- (2) Reflecting the proper cross-reference for the agenda item; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 46, as amended herein, and recommends that it be referred to the Committee on Ways and Means, in the form attached hereto as H.C.R. No. 46, S.D. 1.

Respectfully submitted on behalf of the members of the Committee on Water and Land,

MALAMA SOLOMON,

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The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Water and Land WTL

Bill / Resolution No.:*	Committee Referral: Date: /			1	
HCR46	WTL, WAM 3/28/13				
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
SOLOMON, Malama (C)		/			
SHIMABUKURO, Maile S.L. (VC)		/			
DELA CRUZ, Donovan M.					✓
IHARA, Jr., Les		V		٠.	
RUDERMAN, Russell E.		✓			
THIELEN, Laura H.		✓			
SLOM, Sam		/			
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TOTAL		6			1
Recommendation:					
✓ Adopted			Not Adopted		
Chair's or Designee's Signature:					
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Distribution: Original Yellow Pink Goldenrod					
File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes